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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1153 OF 2007

SICOM Limited ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mrs. Usha Srivastava i/by Consulta Juris for Petitioner.

Mr. Suresh Kumar for Respondents.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: SEPTEMBER 18, 2007

P.C.:

. Rule. Heard forthwith.

. By our order dated 23.8.2007 as modified by our order dated 6.9.2007, we had directed the Petitioners to deposit the sum of Rs. 4 lakhs which has been done.

. The present petition is in respect of the show cause notice dated 25.4.2006 issued by the respondents to the Petitioner in respect of the provident fund dues of workmen of M/s. Kusum Ispat and Wire Products Limited, Chikalthana, Aurangabad. It appears that certain properties of the said company were mortgaged in favour of the Petitioner

which have been sold. It is the contention of the respondents that in respect of those properties, the provident fund dues have a first charge and accordingly issued a show cause notice. The contention of the Petitioners is that they are not bound to pay the same.

. It will be open to the Petitioners to show cause to the notice and for the respondents after giving opportunity to the Petitioners and considering the reply filed, if any, to pass appropriate orders according to law, at any late not later than three months from today. The Petitioners to file their additional reply, if any, to the show cause notice within two weeks from today. If the order is passed in favour of the petitioners, the amount deposited in this court will be released in favour of the Petitioners. If the order is adverse to the Petitioners, the amount will be released in favour of the respondents, subject to whatever order that may be passed in the proceedings initiated by the parties. In the meantime, the Prothonotary & Senior Master is directed to invest the amount in fixed deposit initially for the period of six months.

. Rule made absolute accordingly. No order as to costs.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**